

FEB 16 2006

**FAX TRANSMISSION****DATE:** February 16, 2006**PTO IDENTIFIER:** Application Number 09/997,694-Conf. #4739  
Patent Number**Inventor:** Gerald Cowley et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP

Burton A. Amernick

**PHONE:** (202) 331-7111**Attorney Dkt. #:** 20435-00138-US1**PAGES (Including Cover Sheet):** 60**CONTENTS:** Information Disclosure Statement (3 pages)  
IDS (Citation) by Applicant (1 Reference) (1 page)  
Cited Reference (54 pages)  
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PTO/SB/97 (08-04)

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Application No. (if known): 09/997,894

Attorney Docket No.: 20435-00138-US1

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Information Disclosure Statement (3 pages)  
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Docket No.: 20435-00138-US1  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:  
Gerald Cowley et al.

Application No.: 09/997,694

Confirmation No.: 4739

Filed: November 30, 2001

Art Unit: 1744

For: METHODS OF USING CHLORINE  
DIOXIDE AS A FUMIGANT

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Examiner: M. R. Chorbaji

**INFORMATION DISCLOSURE STATEMENT (IDS)**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

I hereby certify, pursuant to 37 CFR 1.97(e)(2), that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no

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Application No.: 09/997,694

Docket No.: 20435-00138-US1

item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0185, under Order No. 20435-00138-US1.

Dated: 2-16-06

Respectfully submitted,

By 

Burton A. Amernick

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CONNOLLY BOVE LODGE &amp; HUTZ LLP

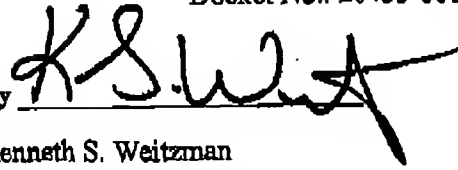
Correspondence Customer Number: 30678

Attorney for Applicant

Application No.: 09/997,694

Docket No.: 20435-00138-US1

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Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	09/997,894-Conf. #4739
				Filing Date	November 30, 2001
				First Named Inventor	Gerald Cowley
				Art Unit	1744
				Examiner Name	M. R. Chorbaji
Sheet	1	of	1	Attorney Docket Number	20435-00138-US1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>3</sup>
		Country Code <sup>4</sup>	Number-Kind Code <sup>2</sup> (if known)				
	BA	WO	2005/123145-A2	12-29-2005	The Government of the United States of America (as represented by The Secretary of the Department of Health and Human Services; National Institutes of Health; CDG Research Corporation and CDIC, Inc.		✓

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